

SNELL & WILMER L.L.P.
Alan L. Sullivan (3152)
Todd M. Shaughnessy (6651)
Amy F. Sorenson (8947)
Peter H. Donaldson (9642)
15 West South Temple, Suite 1200
Salt Lake City, Utah 84101-1004
Telephone: (801) 257-1900
Facsimile: (801) 257-1800

CRAVATH, SWAINE & MOORE LLP
Evan R. Chesler (admitted pro hac vice)
David R. Marriott (7572)
Worldwide Plaza
825 Eighth Avenue
New York, New York 10019
Telephone: (212) 474-1000
Facsimile: (212) 474-3700

*Attorneys for Defendant/Counterclaim-Plaintiff
International Business Machines Corporation*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

THE SCO GROUP, INC.

Plaintiff/Counterclaim-Defendant,

v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Defendant/Counterclaim-Plaintiff.

~~PROPOSED~~ ORDER GRANTING
DEFENDANT/COUNTERCLAIM
PLAINTIFF IBM'S EX PARTE MOTION
FOR LEAVE TO FILE SUR-REPLY

Civil No. 2:03CV0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

FILED
CLERK, U.S. DISTRICT COURT

2005 FEB -1 P 4:41

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

RECEIVED

JAN 31 2005

BROOKE C. WELLS
U.S. MAGISTRATE

RECEIVED CLERK

JAN 28 2005

U.S. DISTRICT COURT

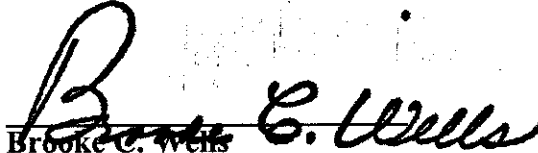
392

Based upon Defendant/Counterclaim-Plaintiff International Business Machines Corporation's ("IBM") Ex Parte Motion for Leave to File Sur-reply to SCO's Reply Memorandum in Support of Motion for Leave to File Third Amended Complaint, and for good cause appearing thereon,

IT IS HEREBY ORDERED that IBM may file a Sur-reply Memorandum in Response to SCO's Reply Memorandum in Support of Motion for Leave to File Third Amended Complaint, which shall be filed and served on or before February 18, 2005.

DATED this 1 day of ~~January~~^{February}, 2005.

BY THE COURT


Brooke C. Wells
U.S. Magistrate Judge

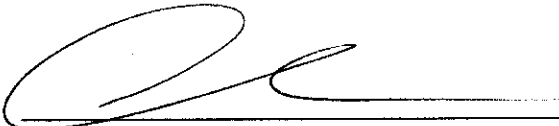
CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of January, 2005, a true and correct copy of the foregoing was sent by U.S. Mail, postage prepaid, to the following:

Brent O. Hatch
Mark F. James
HATCH, JAMES & DODGE, P.C.
10 West Broadway, Suite 400
Salt Lake City, Utah 84101

Stephen N. Zack
Mark J. Heise
BOIES, SCHILLER & FLEXNER LLP
100 Southeast Second Street, Suite 2800
Miami, Florida 33131

Robert Silver
Edward Normand
Sean Eskovitz
BOIES, SCHILLER & FLEXNER LLP
333 Main Street
Armonk, NY 10504



Amy F. Sorenson

blk

United States District Court
for the
District of Utah
February 2, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:03-cv-00294

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Brent O. Hatch, Esq.
HATCH JAMES & DODGE
10 W BROADWAY STE 400
SALT LAKE CITY, UT 84101
EMAIL

Scott E. Gant, Esq.
BOIES SCHILLER & FLEXNER
5301 WISCONSIN AVE NW
WASHINGTON, DC 20015

Frederick S. Frei, Esq.
ANDREWS KURTH
1701 PENNSYLVANIA AVE NW STE 300
WASHINGTON, DC 20006

Evan R. Chesler, Esq.
CRAVATH SWAINE & MOORE
825 EIGHTH AVE
NEW YORK, NY 10019
EMAIL

Mr. Alan L Sullivan, Esq.
SNELL & WILMER LLP
15 W SOUTH TEMPLE STE 1200
GATEWAY TOWER W
SALT LAKE CITY, UT 84101
EMAIL

Todd M. Shaughnessy, Esq.
SNELL & WILMER LLP
15 W SOUTH TEMPLE STE 1200
GATEWAY TOWER W
SALT LAKE CITY, UT 84101
EMAIL

Mark J. Heise, Esq.
BOIES SCHILLER & FLEXNER
100 SE 2ND ST STE 2800
MIAMI, FL 33131

EMAIL

Mr. Kevin P McBride, Esq.
1299 OCEAN AVE STE 900
SANTA MONICA, CA 90401
EMAIL

Robert Silver, Esq.
BOIES SCHILLER & FLEXNER
333 MAIN ST
ARMONK, NY 10504

Stuart H. Singer, Esq.
BOIES SCHILLER & FLEXNER
401 E LAS OLAS BLVD STE 1200
FT LAUDERDALE, FL 33301
EMAIL

Mr. David W Scofield, Esq.
PETERS SCOFIELD PRICE
340 BROADWAY CENTRE
111 E BROADWAY
SALT LAKE CITY, UT 84111
EMAIL

Mr. Michael P O'Brien, Esq.
JONES WALDO HOLBROOK & MCDONOUGH
170 S MAIN ST STE 1500
PO BOX 45444
SALT LAKE CITY, UT 84145-0444